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Steve Schnetzler

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EXAMINER

BENGZON, GREG C

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/083,557
Filing Date: February 27, 2002
Appellant(s): SCHNETZLER, STEVE

Sumit Battacharya, Reg.No. 51469
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/01/2008 appealing from the Office action mailed 05/04/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

O'Neil et al.	US Patent 6128279	October 03, 2000
Barrera et al.	US Patent 6748448	June 08, 2004
Bodwell et al.	US Patent 6954783	October 11, 2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. (US Patent 6128279), hereinafter referred to as O'Neil, in view of Barrera et al. (US Patent 6748448), hereinafter referred to as Barrera .

O'Neil disclosed (re. Claim 1,8) a method of accessing data from a plurality of servers comprising: (Figure 1-4, Column 3 Lines 10-15, Column 3 Lines 55-65) receiving a request for the data from a client computer; (Column 7 Lines 55-65) sending the request to a first server of the plurality of servers; receiving the data from the first server.(Column 8 Lines 1-35, Column 9 Lines 5-30) and forwarding the data to the client computer

However O'Neil did not disclose certain features of the invention, such as adding an identity of the first server to the data, and the adding the identity of the first server comprises revising the at least one URL to include a server identifier that corresponds to the first server.

Barrera disclosed a system and method of increasing performance by reducing latency the client experiences between sending a request to the server and receiving a response. Barrera disclosed of receiving a request for network content and modifying the URL, such that the URL request resource file physical I/O address is preferably embedded in the client computer browser page URL link, thereby establishing a correspondence between the browser page element and the resource file. (Barrera - Column 4 Lines 10-50, Column 8 Lines 50-65, Column 9 Lines 1-10) Barrera also disclosed of sending a host server name to a Domain Name System (DNS) server in order to look up the IP address of the indicated server. (Barrera - Column 3 Lines 35-45)

O'Neil and Barrera are analogous art because they present concepts and practices regarding improving the network system performance in the context of fulfilling content requests received from a client computer. The Examiner respectfully suggests that at the time of the invention it would have been obvious to combine the teachings of Barrera regarding modifying the URL and imbedding the physical device identification into the URL into the system of O'Neil. The said combination would enable the system of O'Neil to 1) add an identity of the first server to the data, and 2) add the identity of the first server by revising the at least one URL to include a server identifier that corresponds to the first server. The suggested motivation for doing so would have been, as Barrera suggests (Column 4 Lines 1-5), to increase the performance of computer networks without requiring modifications of existing browser and enable by-passing some data storage access layers.

O'Neil disclosed (re. Claim 2,9) determining whether the request includes a server identifier. (Column 4 Lines 1-35)

O'Neil disclosed (re. Claim 3,10) wherein the request is a Uniform Resource Locator (URL). (Column 4 Lines 1-35)

O'Neil disclosed (re. Claim 4,11) wherein the data is a HyperText Markup Language (HTML) page. (Column 8 Lines 1-35)

O'Neil disclosed (re. Claim 5,12) wherein the HTML page comprises at least one Uniform Resource Locator (URL). (Column 8 Lines 1-35)

O'Neil disclosed (re. Claim 6,13) wherein the sending the request to the first server comprises a load balancing algorithm. (Column 3 Lines 55-65)

O'Neil disclosed (re. Claim 7,14) wherein the sending the request to the first server comprises sending the request to a server identified by the server identifier. (Column 4 Lines 1-35)

Claims 15-21 are rejected on the same basis as Claims 1-7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a

whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. (US Patent 6128279), hereinafter referred to as O'Neil, in view of Bodwell et al. (US Patent 6954783) hereinafter referred to as Bodwell .

O'Neil disclosed (re. Claim 1,8) a method of accessing data from a plurality of servers comprising: (Figure 1-4, Column 3 Lines 10-15, Column 3 Lines 55-65) receiving a request for the data from a client computer; (Column 7 Lines 55-65) sending the request to a first server of the plurality of servers; receiving the data from the first server.(Column 8 Lines 1-35, Column 9 Lines 5-30)

However O'Neil did not disclose certain features of the invention, such as adding an identity of the first server to the data and forwarding the data to the client computer, and the adding the identity of the first server comprises revising the at least one URL to include a server identifier that corresponds to the first server.

Bodwell disclosed adding an identity of the first server to the data and forwarding the data to the client computer, and the adding the identity of the first server comprises revising the at least one URL to include a server identifier that corresponds to the first server. (Bodwell-Column 4 Lines 60 thru Column 5 Lines 25).

O'Neil and Bodwell are analogous art because they present concepts and practices regarding improving the network system performance in the context of fulfilling content requests received from a client computer. The Examiner respectfully suggests that at the time of the invention it would have been obvious to combine the teachings of Bodwell regarding modifying the URL and imbedding the physical device identification into the URL into the system of O'Neil. The said combination would enable the system of O'Neil to 1) add an identity of the first server to the data and forward the data to the client computer, and 2) add the identity of the first server by revising the at least one URL to include a server identifier that corresponds to the first server. The suggested motivation for doing so would have been, as Bodwell suggests (Column 2 Lines 20-35), to provide substantial advantages for mediating web pages.

Claim 8 is rejected on the same basis as Claim 1.

O'Neil-Bodwell disclosed (re. Claim 2,9) determining whether the request includes a server identifier. (O'Neil-Column 4 Lines 1-35)

O'Neil- Bodwell disclosed (re. Claim 3,10) wherein the request is a Uniform Resource Locator (URL). (O'Neil-Column 4 Lines 1-35)

O'Neil- Bodwell disclosed (re. Claim 4,11) wherein the data is a HyperText Markup Language (HTML) page. (O'Neil-Column 8 Lines 1-35)

O'Neil- Bodwell disclosed (re. Claim 5,12) wherein the HTML page comprises at least one Uniform Resource Locator (URL). (O'Neil-Column 8 Lines 1-35)

O'Neil- Bodwell disclosed (re. Claim 6,13) wherein the sending the request to the first server comprises a load balancing algorithm. (O'Neil-Column 3 Lines 55-65)

O'Neil- Bodwell disclosed (re. Claim 7,14) wherein the sending the request to the first server comprises sending the request to a server identified by the server identifier. (O'Neil-Column 4 Lines 1-35)

Claims 15-21 are rejected on the same basis as Claims 1-7.

(10) Response to Argument(s)

Regarding O'Neil-Barreira, the Applicant presents the following argument(s) [*in italics*]:

'... describing a physical I/O address of a resource file is not the equivalent of adding an identity of the first server to the data and forwarding the data to the client ...

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the embedded physical I/O address of a resource file does not include an identity of a server responsible for forwarding the requested data to the client computer ...because Barrera does not require the use of servers at all in its retrieval process.'

The Examiner respectfully disagrees with the Applicant.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

The Examiner notes that Barreira is not relied upon to teach the use of servers for retrieving and providing requested data. Rather, Barreira is relied upon for its disclosure regarding imbedding a server id or an IP address on a URL and modification of a URL to indicate a server name and/or IP address on the URL. (Barrera-Column 8 Lines 1-10) The use of a server to provide data as disclosed by O'Neil. (O'Neil- Column 5 Lines 40-50, Column 7 Lines 55-65)

In applying the disclosure of Barreira, the Examiner is interpreting a server as a device or application that responds to client requests by providing the data requested back to the client. Thus in view of this interpretation the storage device controller described by Barrera responds to the client requests as a server. Furthermore, in Column 8 Lines 5-10 Barrera disclosed imbedding the IP address of the storage device controller in the URL request. Hence, the combination of O'Neil and Barrera disclosed

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adding an identity of a server and forwarding the data to the client, as described in Claim 1.

Regarding O'Neil-Barreira, the Applicant presents the following argument(s) [*in italics*]:

There is no mention of the sending of a URL address as part of a retrieval process to be sent to the requesting party...Barreira does not disclose adding an identity of a server to the data and forwarding the requested data to the client computer.

The Examiner respectfully disagrees with the Applicant.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

The Examiner notes that Barreira is not relied upon to teach *sending of a URL address as part of a retrieval process to be sent to the requesting party*. Rather, Barreira is relied upon for its disclosure regarding imbedding a "server id information" on a URL and modification of a URL to indicate a "server id information" on the URL. The limitation for *sending of a URL address as part of a retrieval process to be sent to the requesting party* is disclosed by O'Neil. (O'Neil-Column 5 Lines 40-50, Column 7 Lines 55-65)

Barreira teaches modification of the URL's in the requested web page in order to add a server id. It would have been obvious for O'Neil, after having received the URL requesting the web page, to send the requested web page with the modified URL's as taught by Barreira because O'Neil intends to maintain the association between a client and a specified server. (O'Neil-Column 3 Lines 10-15, Column 9 Lines 15-20)

Regarding O'Neil-Barreira, the Applicant presents the following argument(s) [*in italics*]:

...the embedded address of Barrera is a physical I/O address, otherwise known as a MAC address or ethernet address (e.g., 00 0A 27 91 40 FC). A MAC is not the same as, for example, an IP identifying address. A MAC address is a hardware address used for interface with the network medium in the OSI network standard. Appellant submits a MAC address is not sufficient to describe an identity of a first server...

The Examiner notes that Barrera also disclosed imbedding an IP address to identify the server. (Barrera-Column 8 Lines 1-10)

Regarding O'Neil-Bodwell, the Applicant presents the following argument(s) [*in italics*]:

[In Bodwell] the software program 5 embeds the name of the target server, but does not forward the requested file including the identity of a server to a client computer...

The Examiner respectfully disagrees with the Applicant. Bodwell Column 4 Lines 45-50 disclosed '*software program 5 can change links in the content of web page 35 to refer to intermediate server 10. This can be done for both absolute and relative URL links*'. Bodwell Column 3 Lines 30-35 disclosed '*Software program 5, after mediating the content, can then communicate the mediated content to the display window of web browser 20.*' The Examiner notes that where the URL links are changed on the web page, after which the web page is sent to the browser, then the Bodwell disclosed *forwarding the requested file including the identity of a server to a client.*

Bodwell teaches modification of the URL's in the requested web page in order to add a server id. It would have been obvious for O'Neil, after having received the URL requesting the web page, to send the requested web page with the modified URL's as taught by Bodwell because O'Neil intends to maintain the association between a client and a specified server. (O'Neil-Column 3 Lines 10-15, Column 9 Lines 15-20)

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Thus, where Bodwell provides the name of the server on the URL, the combination of O'Neil-Bodwell fully disclosed *forwarding the requested file including the identity of a server to a client.*

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/G. B./

Examiner, Art Unit 2144

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144

Conferees:

/William C. Vaughn, Jr./

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Art Unit: 2100

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